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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,848	04/16/2004	Kenneth J. Onion	530055.418	8187
500 7590 01/29/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER LANDRUM, EDWARD F	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 01/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,848

Applicant(s)

ONION, KENNETH J.

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-35 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-26 is/are allowed.
- 6) ☒ Claim(s) 1,3-12,27-30,35,45 and 48-52 is/are rejected.
- 7) ☒ Claim(s) 13-16, 31-34, 46, and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>12/19/2007</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onion '214 (U.S Patent No. 6,378,214) in view of Onion '334 (U.S Patent No. 6,427,334).

Onion '214 teaches (see Figures 3, 10, and 11) a folding knife comprising: a handle (16) having an end face (16b) with a notched corner in the end face of the handle forming a first locking element (16d); a blade (12) pivotally mounted to the handle with a slot (60) having a first portion (closest to the tip of the blade) and a second portion (farthest from the tip of the blade); a second locking element located in the slot (60) that includes a cylindrical neck (30) and two equal diameter coaxially mounted collars (130) designed to retain the neck (30) in the slot (60) and to prevent scratching or wearing of the edge surface of the handle (16b) as well as improve the smoothness of the locking mechanism. Figure 3 shows the second locking element (30, 130) being faced from the end face (16b) of the handle (16) for a substantial portion of the movement of the blade from the closed to the open position. A spring (62) is attached to a retaining element (64) that is provided in first portion of the slot (60) to hold the spring (62) in place and allow the spring to bias the second locking element

(30, 130) to a first position. By holding the spring (62) the retaining element (64) prevents the movement of the neck (30) from the second portion of the slot to the first portion. Onion further teaches (Col. 3, lines 54 and 55) that it is known to integrally form the collars (130) with the neck (30).

Onion '214 teaches all of the elements of the current invention as stated above except at least 75% of the total travel of the blade from closed position to the open position is completed with the second locking element being spaced away from the end face of the handle.

Onion '334 teaches (see Figures 1-10) that it is known to shape the end face of the handle (12) of a knife so that a locking element (30) found on the blade (14) of the knife does not contact the end face of the handle (12) for at least 75% of the distance traveled from the closed position to the open position as the post (30) does not contact the end face of the handle until it reaches a spring biased portion (32) of the end face that acts as a locking element to lock the locking element (30) of the blade in place after it has traversed the locking element of the end face of the handle.

The devices of Onion '214 and Onion '334 are art recognized equivalents as both teach a locking mechanism for a pivoting knife having two locking elements that work together to lock the blade into an open position. Both also teach one of the locking elements being spring biased with respect to the other. Onion '334 further teaches taught that it is not necessary to contact the end face of the handle to the locking element of the blade until contact needs to occur in order to lock the locking element of the blade with respect to the handle of the knife. Therefore it would have been an

obvious design choice to substitute the shape of the end face of the handle of Onion '214 with the shape of the end face of the handle of Onion '334 to provide a handle end face shape that did not make contact with the locking element of the blade until contact was necessary to lock the blade in place.

3. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Onion '214, as stated in section 2, in view of Polevoy et al (U.S Patent No. 6,685,379), hereinafter Polevoy.

The modified device of Onion '214 teaches all of the elements of the current invention as stated above except the slot having two widths, a first portion of the slot having the first width and the first width being larger than the width of the collars, a second portion of the slot having the second width and the second width being smaller than the width of the collars but larger than the neck of the second locking element.

Polevoy teaches (see Figure 1) it is old and well known to provide a slot with an enlarged first portion (18) and a narrow second portion (16) to aid in slidably retaining a locking element having two integrally mounted collars mounted to a neck portion located between the two collars. Polevoy also teaches that it is well known to provide a retaining element (24) for the second portion of the slot, the retaining element being removable to allow a collar of the locking element to pass through the enlarged first portion of the slot before locking the locking element in place.

It would have been obvious to have modified the modified device of Onion '214 to incorporate the teachings of Polevoy to provide a removable retaining element as well as a slot with a first portion having a first width that was larger than the collars to allow a

collar to pass through, and a second portion with a second width narrow than the collars to prevent the second locking element from falling out of the slot. Providing a removable retaining element and the enlarged first and smaller second slot portions would allow a user to remove the easily insert or remove the second locking element if the second locking element were damaged or worn due to excessive use. Furthermore, providing a removable retaining element along with a slot having an enlarged first and smaller second portion would allow the second locking element to be manufactured separately from the knife thereby eliminating the time consuming and costly manufacturing step of building the second locking element while attached to the knife blade.

4. Claims 27-30, 35, 45, and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onion '214 in view of Polevoy.

Onion '214 teaches all of the elements of the current invention as stated above except the slot having two widths, a first portion of the slot having the first width and the first width being larger than the width of the collars, a second portion of the slot having the second width and the second with being smaller than the width of the collars but larger than the neck of the second locking element. Onion '214 further fails to teach the retaining element being removable.

Polevoy teaches (see Figure 1) it is old and well known to provide a slot with an enlarged first portion (18) and a narrow second portion (16) to aid in slidably retaining a locking element having two integrally mounted collars mounted to a neck portion located between the two collars. Polevoy also teaches that it is well known to provide a

retaining element (24) for the second portion of the slot, the retaining element being removable to allow a collar of the locking element to pass through the enlarged first portion of the slot before locking the locking element in place.

It would have been obvious to have modified Onion '214 to incorporate the teachings of Polevoy to provide a removable retaining element as well as a slot with a first portion having a first width that was larger than the collars to allow a collar to pass through, and a second portion with a second width narrow than the collars to prevent the second locking element from falling out of the slot. Providing a removable retaining element and the enlarged first and smaller second slot portions would allow a user to remove the easily insert or remove the second locking element if the second locking element were damaged or worn due to excessive use. Furthermore, providing a removable retaining element along with a slot having an enlarged first and smaller second portion would allow the second locking element to be manufactured separately from the knife thereby eliminating the time consuming and costly manufacturing step of building the second locking element while attached to the knife blade.

Allowable Subject Matter

5. Claims 17-26 are allowed.
6. Claims 13-16, 31-34, 46, and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 is allowable for stating the retaining element extends into the second portion of the slot. As the retaining element of Onion is not removable, and there is no

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teaching to make it so, the retaining element could not be made to extend into the second portion of the slot as then the second locking element would not be able to fit in the slot.

Claim 14 is allowable for stating an expander is received by the retaining element to thereby expand the retaining element and retain the retaining element in the slot. There is no motivation to provide a retaining element for the retaining element of Onion.

Claims 15 and 16 are dependent on claim 14.

Claim 31 is allowable for stating the retaining element extends into the narrow portion of the slot. As the retaining element of Onion is not removable, and there is no teaching to make it so, the retaining element could not be made to extend into the narrow portion of the slot as then the second locking element would not be able to fit in the slot.

Claim 32 is allowable for stating an expander is received by the retaining element to thereby expand the retaining element and retain the retaining element in the slot. There is no motivation to provide a retaining element for the retaining element of Onion.

Claims 33 and 34 are dependent on claim 32.

Claim 46 is allowable for stating that the retaining element comprises an aperture and an expander is positioned within the aperture. There is no motivation to provide a retaining element for the retaining element of Onion as the retaining element of Onion is not removable.

Claim 47 is allowable for stating the retaining element extends into a portion of the slot that is narrower than the second portion of the slot. As the retaining element of

Onion is not removable, and there is no teaching to make it so, the retaining element could not be made to extend into a portion of the slot that is narrower than the second portion as then the second locking element would not be able to fit in the slot.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 3-35, and 45-52 have been considered but are moot in view of the new ground(s) of rejection.

Polevoy teaches an old and well known type of connection between two parts. Polevoy is relevant art as Polevoy deals with the specific problem at hand, which in this case is a connection between two parts. Furthermore any connection between two parts found in class 403, the joint and connection class, is pertinent to the problem presented. Polevoy does teach that the connection is used between two locking members, but the second locking element can be considered a second element. Applicant arguing that because the connection between the second locking element and the slot is not locking the blade to the handle and thereby making Polevoy non-relevant is mute. Examiner is not stating that the specific connection between the second locking element and the slot has anything to do with the blade's connection to the handle. Polevoy shows an old and well known connection between two elements, the second locking element is an element and the blade is a second element. Furthermore, "collar" is a very broad term and can be used on any object that locates or holds a part in place. Therefore the body (12) and the head (22) of the rivet can both be considered collars. Examiner can cite countless examples of this connection in use in various devices if applicant wishes.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onion '431 (U.S Patent No. 6,338,431), Sakai (U.S Patent No. 6,154,965), Poehlmann (U.S Patent No. 4,893,409), Eikhorn (U.S Patent No. 6,523,265), Lake et al (U.S Patent No. 6,490,797), Moser (U.S Patent No. 6,308,420), Walker (U.S Patent No. 4,979,301), and Neely (U.S Patent No. 5,060,379) teach foldable knives with first and second locking elements.

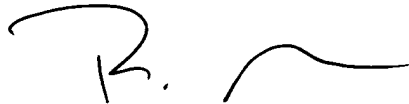
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL
12/19/2007



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